

1

RESOLUTION NO. 09-45

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA TO CONSTRUCT A SIX-LANE ROADWAY ON NW 138 STREET, FROM NW 107 AVENUE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75, WITH A RAISED MEDIAN, SIDEWALK, CURB AND GUTTER, CONTINUOUS STORM DRAINAGE SYSTEM, ROADWAY LIGHTING, SIGNAGE AND PAVEMENT MARKINGS, SIGNALIZATION, LANDSCAPING, CANAL RELOCATION, DE-MUCKING AND FPL DISTRIBUTION LINE RELOCATION AND SUBJECT TO THE RECEIPT OF FUNDS FROM MIAMI-DADE COUNTY TO UNDERWRITE THE COSTS OF THE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$14,400,000, WHICH INCLUDES A CONTINGENCY FUND OF \$650,000; AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO THE JOINT PARTICIPATION AGREEMENT IN SUBSTANTIAL FORM AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1" AND TO EXECUTE SUCH DOCUMENTS AND AGREEMENTS IN FURTHERANCE THEREOF; AND REPEALING AND RESCINDING HIALEAH, FLA., RESOLUTION 07-92 (AUG. 19, 2007).

WHEREAS, pursuant to Hialeah, Fla., Resolution 07-92 (Aug. 19, 2007), the City authorizes the Mayor to enter into a Joint Participation Agreement with Miami-Dade County to construct a six-lane roadway, from NW 107 Avenue to the Florida Department of Transportation right-of-way at I-75, with the County funding no more than \$12,300,000; and

WHEREAS, subsequently, the City did not enter into a Joint Participation Agreement at that time but continued its negotiations with the County, which culminated in an agreement increasing County funding to \$14,400,000, which includes a contingency fund of \$650,000; and

WHEREAS, the City finds that it is in its best interest to facilitate the construction of county road improvements within the City of Hialeah with funds reimbursed by the County through the County road impact fees and gasoline taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby approves a joint participation agreement with Miami-Dade County, Florida to construct a six-lane roadway on NW 138 Street, from NW 138 Street, from NW 107 Avenue to the Florida Department of Transportation right-of-way at NW 107 Avenue, with a raised median, sidewalk, curb and gutter, continuous storm drainage system, roadway lighting, signage and pavement markings, signalization, landscaping, canal relocation, de-mucking and FPL distribution line relocation and subject to the receipt of funds from Miami-Dade County, Florida to underwrite the costs of the improvements in the amount to exceed \$14,400,000, which includes a contingency fund of \$650,000.

Section 2: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Joint Participation Agreement, in substantial form as attached hereto and made a part hereof as Exhibit "1", and to execute such documents and agreements in furtherance thereof.

Section 3: The City of Hialeah, Florida hereby repeals and rescinds Hialeah, Fla., Resolution 07-92 (Aug. 19, 2007) in its entirety.


PASSED AND ADOPTED this 28th day of April, 2009.



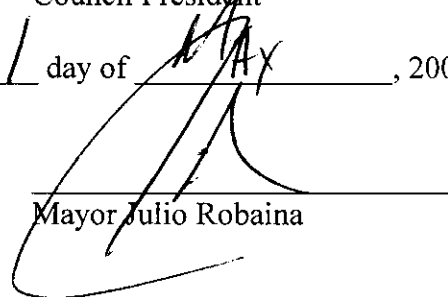
Carlos Hernandez
Council President

Attest:

Approved on this 1 day of May, 2009.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

S:\WMG\LEGISLATIVE\RESO\Resos 2009\nw138streetcountyJPA.docx

Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".